

VZCZCXYZ0814  
PP RUEHWEB

DE RUEHGV #0158/01 0621037  
ZNY CCCCC ZZH  
P 021037Z MAR 08  
FM USMISSION GENEVA  
TO RUEHC/SECSTATE WASHDC PRIORITY 6112  
INFO RUEHZJ/HUMAN RIGHTS COUNCIL COLLECTIVE  
RUEHAD/AMEMBASSY ABU DHABI 0165  
RUEHAH/AMEMBASSY ASHGABAT 0159  
RUEHBO/AMEMBASSY BOGOTA 0953  
RUEHWN/AMEMBASSY BRIDGETOWN 0134  
RUEHJB/AMEMBASSY BUJUMBURA 0023  
RUEHCO/AMEMBASSY COTONOU 0165  
RUEHOR/AMEMBASSY GABORONE 0158  
RUEHBH/AMEMBASSY NASSAU 0050  
RUEHOU/AMEMBASSY OUAGADOUGOU 0149  
RUEHNT/AMEMBASSY TASHKENT 0234  
RUEHTV/AMEMBASSY TEL AVIV 4537  
RUEHTC/AMEMBASSY THE HAGUE 4983  
RUCNDT/USMISSION USUN NEW YORK 2660

C O N F I D E N T I A L GENEVA 000158

SIPDIS

SIPDIS

E.O. 12958: DECL: 02/28/2018

TAGS: [PHUM](#) [UNHRC](#)

SUBJECT: UNIVERSAL PERIODIC REVIEW: GEARING UP FOR THE  
FIRST ROUND OF REVIEWS

REF: A. A) GENEVA 96 (NOTAL)  
[1](#)B. B) GENEVA 107 (NOTAL)

Classified By: Deputy Permanent Representative Mark Storella. Reasons:  
1.4 (b/d).

[1](#)1. (C) SUMMARY: The Human Rights Council passed a major hurdle to getting its new Universal Periodic Review mechanism underway when it selected "troikas" on February 28 for the first two tranches of country reviews. This came after disagreements over the selection process were finally resolved, although this necessitated a compromise that narrowed the role of the troikas, at least for the initial stage of the reviews. Plenty of issues remain to be sorted out, and the African Group and OIC continue seeking to lessen UPR's transparency. Nonetheless, the first tranche of reviews, which will include 16 countries, is now almost certain to begin in April, as scheduled. In the five and a half weeks before then, we can use the UPR to serve our policy goals most effectively by coordinating with like-minded countries. END SUMMARY.

COUNCIL FINALLY SELECTS UPR TROIKAS  
-----

[1](#)2. (C) After much anticipation, the Council met on February 28 to draw lots for the troikas for the first two tranches of country reviews. The three Council member states chosen for each troika are to facilitate the review of a country's human rights record under the newly established UPR. As noted previously (ref A), controversy had swirled around the selection mechanism, with the African Group leading those encouraging more confidentiality in the process and Western delegations leading those in favor of more transparency. Working intensely with regional groups over recent weeks, Council President Doru Costea found a compromise formula that allowed the selection process to begin. Costea laid out that compromise in a February 28 presidential statement. That compromise had been established a week earlier but, as late as February 26, there was still uncertainty whether it would hold. In private, Costea expressed frustration with the controversy, telling the Ambassador that the selection process had become far more complex than was necessary.

¶3. (U) Although somewhat complex, the selection itself went smoothly. Each of the 32 countries to be reviewed in the first two tranches drew lots in a two-step process: first, to choose the three regional groups their troikas would come from, and then, to pick the country within each group that would serve on its troika. The country under review could pick one of the three regional groups, a right that most African countries exercised. It could then reject one of the three troika members it had randomly selected, although no country exercised this right. Finally, each country selected could opt out of serving as a troika member, a right that only Pakistan exercised when it was picked to serve on India's troika. The atmosphere in the room grew increasingly relaxed as the selection proceeded. The most light-hearted moment came when the UK PermRep randomly selected Egypt and Russia as two of his three troika countries, to groans from the room. As the UK PR returned to his seat, his Russian counterpart came up to him to embrace him, eliciting applause from the room.

¶4. (C) Despite his frustrations, Costea was pleased that the selection was taking place in time to allow for the scheduled April start of the reviews. In a February 26 meeting with JUSCANZ members, he had commented that some countries had complicated the debate about selection modalities because they hoped to delay the start of the reviews. Such a delay would have dealt a blow to UPR even before it began.

¶5. (SBU) As of February 29, however, a delay could not be totally ruled out. Some countries in the first tranche had yet to submit their national reports, raising concerns that this might precipitate calls for a delay. Such calls would be on procedurally weak grounds, since countries under review

are not required to submit their national reports in writing and have the right to present them orally during the session.

Nonetheless, the concerns remain, resulting in part from persistent rumors that some countries still do not want to begin the reviews on schedule.

#### TROIKA ROLE NARROWED, MANY QUESTIONS REMAIN

-----

¶6. (U) Frustrations remain that the agreement on the selection process also resulted in limiting the roles that troikas could play, at least in the run-up to the reviews. The African Group and OIC had long favored such limits. The presidential statement indicates that the troikas will "collate questions and/or issues" without interpreting or evaluating them. In effect, the troikas will have only the mechanical role of listing all the questions and comments submitted about the country under review, rather than synthesizing them in any way.

¶7. (U) The presidential statement refers only to arrangements for the troika selection and review preparation phase, however. It therefore leaves plenty of questions unanswered about the troikas' roles both during the reviews themselves and in the aftermath, including in preparing the outcome document for each review. While general guidance on some of those questions already exists, a new round of negotiations is possible, and could lead to further compromises.

¶8. (SBU) Indeed, in Costea's meeting with regional group heads late on February 27, controversy arose over whether questions posed ahead of time to countries under review should be made public. The African Group urged that such questions be forwarded only to the concerned country, while the Western Group pressed to have them posted on the web. That issue remains to be resolved.

#### PROCEEDING WITH WEBCASTS

-----

¶9. (SBU) Webcasting of the February 28 troika selection was a positive development, setting the stage to webcast the reviews themselves. There had been fears that some countries, perhaps led by the African Group, would object to

webcasting the reviews. While the precedent has now been set, however, concerns remain about long-term funding for the webcasts. Staff of the Office of the High Commissioner for Human Rights (OHCHR) had told us that the General Assembly had not increased funding for the UN Department of Public Information, which was thus not providing funds for webcasting. OHCHR is covering the costs for now, and has received a voluntary contribution from the UK, but sees potential funding problems in the future.

COMMENT

-----

¶10. (C) The selection process generally went well, but it also highlighted the ongoing efforts of many countries, led by the African Group and the OIC, to limit the transparency of UPR in hopes of weakening its ability to shed light on human rights problems. As we have noted previously, UPR is widely accepted as a non-confrontational exercise, and we are likely to gain traction if we approach it in that spirit. Nonetheless, we need to counter the African Group and OIC efforts to distort or water down the process.

¶11. (C) The first tranche of the UPR is likely to begin on April 7-18, as scheduled. It will include some interesting countries, including South Africa and Algeria as well as the UK. We have previously laid out some suggestions (ref b) for using the UPR to best further our human rights goals. At this stage, it might be particularly useful to focus on ensuring that countries under review receive questions on the range of key human rights issues, either submitted ahead of time or posed during the reviews themselves. This can best be done by coordinating with like-minded countries, which can

be the focus of our efforts in the less than six weeks before the reviews get underway.

TICHENOR